

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PUBLIC SERVICES - Sri M.Venkateshwarlu, Proh. & Excise Sub-Inspector -
Declaration of probation - Extension of probation - Orders - Issued.

REVENUE (EXCISE.I) DEPARTMENT

G.O.Ms.No. 1620

Dated:12.08.2011.

Read the following:

From the CPE Cr.No.6902/2011/CPE/H1, dt.25.07.2011.

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O R D E R:

In the reference read above, the Commissioner of Prohibition & Excise, A.P., Hyderabad has stated that Sri M.Venkateshwarlu, Proh. & Excise Sub-Inspector 2005 DR Batch of Kurnool Division has submitted that he could not pass the departmental exams with in the prescribed period of probation and passed the same in August, 2009 because the APPSC conducted the departmental exams scheduled to be conducted in May 2008, November, 2008 and May, 2009 (3 schedules) at a time in August, 2009 and therefore he has requested to extend the probation period. The Commissioner of Prohibition & Excise, A.P., Hyderabad has stated that Sri M. Venkateswarlu is DR, P& ESI joined duty on 30.03.2005. As per rule-10 of A.P. Prohibition & Excise Subordinate Service Rules, 1998, every person appointed by Direct Recruitment to the post of Proh. & Excise Sub-Inspector shall pass the following tests within the period of probation:

- i) Excise Departmental Tests - A, B, C & D
- ii) Account Test for Executive Officers
- iii) Third class language tests in Telugu and Hindi/Urdu

2. Further, the Commissioner of Prohibition & Excise, A.P., Hyderabad has stated that as verified from the Service Book of Sri M.Venkateshwarlu, Proh. & Excise Sub-Inspector, he has passed the above tests as shown below:

Sl.No.	Name of the test	Date of conduction of test	G.No. and date in which results published
1	Test-A	19.08.2009	Udyoga Samacharam, July, 2010
2	Test-B	20.08.2009	Udyoga Samacharam, July, 2010
3	Test-C	24.08.2009	Udyoga Samacharam, July, 2010
4	Test-D	25.08.2009	Udyoga Samacharam, July, 2010
5	Accounts Test for Executive Officers	22.08.2009	Udyoga Samacharam, July, 2010
6	Exempted from passing of language test Telugu and Hindi vide D.C., Kurnool, proc. In Rc.No.A2/290/11, dt:23.03.2011.		

3. As seen from the above, Sri M.Venkateshwarlu has passed departmental tests viz., Accounts Test for Executive Officers on 25.08.2009 i.e. beyond the period of Probation.

4. The Rule 16(h) of Andhra Pradesh State and Subordinate Service Rules, 1996 stipulates as follows:

"Notwithstanding anything contained in the special rules or sub-rule(a) and (b) of rule 33, a probationer who does not pass the prescribed tests or
(P.T.O.)

acquire the prescribed special qualifications within the period of probation or within the extended period of probation under rule 17 and whose probation is further extended by the Government by an order under rule 31, till the date of his passing such tests or acquiring such qualifications, shall be deemed to have commenced the probation with effect from the date to be fixed by the Government, which would be anterior to a date to his passing such tests or acquiring such special qualifications, so, however, that the interval between the two dates shall be equivalent to the prescribed period of probation, whether on duty or otherwise and seniority of such probationer shall be determined with reference to the date so fixed.”

5. As per the Rule 16(h), the probation period of the individual has to be extended till passing of last test i.e. 25.08.2009 and he shall be deemed to have commenced his probation (2) years anterior to the said date. Further, the Govt. alone is competent to extend the probation period of the individual as above.

6. The Secretary, Andhra Pradesh Public Service Commission, Hyderabad in his letter dt.07.05.2010 has furnished the information showing the details of Departmental Tests Exams conducted by Andhra Pradesh Public Service Commission in the year 2007 and 2008:

Sl. No.	Notification No./Session	Date of Notification	Dates of Examination	Month of Result Publication
1.	19/2006 November,2006	23.02.2007	14.06.2007	September, 2007
2.	14/2007 May, 2007	15.11.2007	07.02.2008 to 12.02.2008	July, 2008
3.	6/2008 November, 2007	08.08.2008	16.10.2008 to 21.10.2008	March, 2009
4.	5/2009 May, 2009 clubbed with May, 2008, and November, 2008 Session	15.06.2009	19.08.2009 to 25.08.2009	January & February, 2010

7. The Commissioner of Prohibition & Excise, A.P., Hyderabad has further submitted that, it is evident that the departmental exams of May, 2008, November, 2008 and May, 2009 were conducted in August, 2009. Because of the delay in conduct of exams, the candidate lost opportunities to attend the departmental exams. Hence, the Commissioner of Prohibition & Excise, A.P., Hyderabad has requested to consider the request of Sri M.Venkateswarlu, Proh. & Excise Sub-Inspector for extension of the probation period in terms of rule 16(h) of APS&SS Rules.

8. Rule 6 of the A.P.Departmental Test Rules, 1965 is as follows:

“6. Notification: The Andhra Pradesh Service Commission shall issue a notification inviting applications in the Andhra Pradesh Gazette and conduct the tests as per the following programme:

Date of notification in the Gazette	:	Last Thursday of January/July of the year
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Last date for receipt of applications :	1 st March/September of the year. N.B:- If these days happen to be holidays the next working day may be fixed
Commencement of the examination :	As in rule (7) below.
Viva-Voce part of the Language tests :	From 15 th June to 30 th June and from 15 th December to 31 st December of each year.
Publication of results in the Andhra Pradesh Gazette :	On or before last Thursday of July/January of the year."

9. Further, the rule 7 of the A.P.Departmental Test Rules, 1965 is as follows:

"7. Periodicity of Examinations: The departmental tests shall be held every half-year by the Commission beginning from Saturday preceding the second Monday of May and November in a year. If the day on which examination is to be begun happens to be a public holiday, the examination shall be held on the working day immediately preceding that holiday."

10. As per the rule 9(a) of the A.P. Proh. & Excise Subordinate Service Rules issued in G.O.Ms.No.950, Revenue (Ex.I) Department, dt.28.11.1998 is as follows:

"9. Probation: (a) Every person appointed by direct recruitment to any of the posts in this service shall from the date of which he joins duty, be on probation for a total period of (2) years on duty within a continuous period of (3) years."

11. It is observed that Sri M.Venkateswarlu, Proh. & Excise Sub-Inspector joined as Proh. & Excise Sub-Inspector in the Department on 30.03.2005 and the last date for receipt of application for May, 2005 session was 19.03.2005. He did not appear in the November, 2005, May, 2006, November, 2006 and May, 2007 Departmental Tests. The exams, which was scheduled in the month of May, 2008, November, 2008 and May, 2009 were conducted at a time by the APPSC in the month of August, 2009. He appeared for the May, 2009 Departmental test and passed the tests A, B, C, D and Account Test for Executive Officers.

12. Government have observed that there was delay in conducting the exam. But even if the chance, in which he cleared the last pending Tests, were conducted as per schedule i.e., in May, 2008 and results were published by the last Thursday of July, 2008 his probation would have had to be extended upto that date and regularization of his services has to be done accordingly by following rule 16(h) of A.P. State and Subordinate Service Rules, 1996 with reference to the said date i.e., 31.07.2008 (notional date of publication of result of Departmental Tests, if the May, 2008 Departmental Tests were conducted as per rule 7 of A.P. Departmental Test Rules, 1965).

13. Government have carefully examined the matter with reference to the Rules in vogue and have decided to extend the probation of Sri M. Venkateswarlu, upto the date of passing of the last departmental tests i.e., A, B, C, D and Accounts Test for Executive Officers. Accordingly, Government hereby extend the period of probation of Sri M.Venkateswarlu,, Proh. & Excise Sub-Inspector upto 31.07.2008 and he shall be deemed to have commenced his probation in the category of Proh. & Excise Sub-Inspector with effect from 31.07.2006 under rule 16 (h) of A.P. State & Sub-ordinate Service Rules, 1996 read with rule 7 of A.P. Departmental Test Rules.

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14. The Commissioner of Prohibition & Excise, A.P., Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Prohibition & Excise, A.P.,
Hyderabad (w.e. S.R. in one volume).
Copy to the individual **through** Commissioner of Prohibition
& Excise, A.P., Hyderabad.
SF/SCs.

//FORWARDED :: BY ORDER//

SECTION OFFICER